

June 11, 2002

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., June 11, 2002.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman Robert T. Wandrei; and Councilman W. D. Tharp.

Members absent: None

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of the May 28, 2002, regular Council meeting were approved as distributed.

The City Manager reported on the following items:

- A group of Bedford City and County citizens and officials are working together to prepare Bedford's presentation for the All-America City Award June 13-15 in Kansas City, Missouri. The Chamber of Commerce raised over \$9,000 to help defray the cost of the trip.
- Council had been given copies of recent articles regarding Bedford and the National D-Day Memorial.
- The trip to tour the U.S.S. Normandy has been postponed.

The City Manager stated a Certificate of Excellence in Financial Reporting has been awarded to the City by the Government Finance Officers' Association for the City's Comprehensive Annual Financial Report and is the highest form of recognition in the area of government accounting and financial reporting. Mr. Meadows indicated this is the second year in a row that the City has received this award.

Mayor Shelton presented the Award of Achievement to Rosie Jordan, Director of Finance.

The City Manager indicated that Council had received an additional letter and petition regarding the proposed cigarette tax increase.

The Clerk of Council read aloud the following Public Hearing Notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, June 6, 2002 and by the City Council at 7:30 p.m. on Tuesday, June 11, 2002, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an amendment of the City of Bedford Land Development Regulations, Section 602.02 Conditional Uses, to include:
 - g. Bed and breakfast lodging, provided that off-street parking be provided equal to one space for each lodging room (bedroom). Off-street parking shall not be provided within the front yard setback and such use shall be in keeping with the residential character of the neighborhood.
- To consider a conditional use request to allow a Bed & Breakfast establishment at 733 Peaks Street, Tax Map #173-A-50, in a R-1 Single Family District. John C. and Kathryn L. Graham, 733 Peaks Street, Bedford, VA 24523 are making the request.
- To consider an amendment of the City of Bedford Land Development Regulations, Section 611.04 Conditional Uses, to include:
 - e. Temporary residential use
- To consider a conditional use request to allow temporary residential use at 1401 Park Street, Tax Map #196-4-A-1, in an M-1 Manufacturing District. James and Sharon Jones, PO Box 1201, Bedford, VA 24523 are making the request.

Information regarding these amendments and these requests are on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to these amendments and/or these requests will have an opportunity to express his/her views at this hearing.

By the Authority of the Planning Commission

and City Council of the

City of Bedford

Mayor Shelton opened a public hearing at 7:40 p.m. regarding an amendment of the City of Bedford Land Development Regulations, Section 602.02 Conditional Uses, to include:

- a. Bed and breakfast lodging, provided that off-street parking be provided equal to one space for each lodging room (bedroom). Off-street parking shall not be provided within the front yard setback and such use shall be in keeping with the residential character of the neighborhood.

As there were no comments, the Mayor closed the public hearing at 7:41 p.m.

Mayor Shelton opened a public hearing at 7:41 p.m. regarding consideration of a conditional use request to allow a Bed & Breakfast establishment at 733 Peaks Street, Tax Map #173-A-50, in a R-1 Single Family District. The request was made by John C. and Kathryn L. Graham, 733 Peaks Street, Bedford, VA 24523.

Mr. John Graham asked Council to approve the request.

As there were no further comments, the Mayor closed the public hearing at 7:42 p.m.

The Mayor opened a public hearing at 7:42 p.m. regarding consideration of an amendment of the City of Bedford Land Development Regulations, Section 611.04 Conditional Uses, to include: Temporary residential use.

Mr. James Jones spoke in favor of this request.

As there were no further comments, the Mayor closed the public hearing at 7:43 p.m.

Mayor Shelton opened a public hearing at 7:43 p.m. regarding consideration of a conditional use request to allow temporary residential use at 1401 Park Street, Tax Map #196-4-A-1, in an M-1 Manufacturing District. The request was made by James and Sharon Jones, PO Box 1201, Bedford, VA 24523.

Mr. James Jones asked Council to approve the conditional use request.

As there were no further comments, Mayor Shelton closed the public hearing at 7:44 p.m.

The Consent Agenda consisted of the following item:

Reappointment of Sharon DeLong and Hazel Otey to serve on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2005

On motion by Councilman Brookshier, seconded by Councilman Padgett, voted upon and carried unanimously, the Consent Agenda was adopted.

Members of Council received copies of a memorandum dated June 6, 2002, from Bart Warner, Director of Planning and Community Development, with the recommendations of the Planning Commission regarding requests considered at the public hearings held earlier in the meeting.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried unanimously Council accepted the recommendation of the Planning Commission to approve the request to amend the City of Bedford Land Development Regulations, Section 602.02 Conditional Uses, to include:

- a. Bed and breakfast lodging, provided that off-street parking be provided equal to one space for each lodging room (bedroom). Off-street parking shall not be provided within the front yard setback and such use shall be in keeping with the residential character of the neighborhood.

On motion by Vice Mayor Messier, seconded by Councilman Tharp, voted upon and carried unanimously, Council accepted the recommendation of the Planning Commission to approve the conditional use request by John C. and Kathryn L. Graham to allow a Bed & Breakfast establishment at 733 Peaks Street, Tax Map #173-A-50, in a R-1 Single Family District.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried unanimously, Council accepted the recommendation of the Planning Commission to amend the City of Bedford Land Development Regulations, Section 611.04 Conditional Uses, to include:

- a. Temporary residence as an ancillary use within a conforming structure.

On motion by Councilman Padgett, seconded by Councilman Tharp, voted upon and carried unanimously, Council accepted the recommendation of the Planning Commission to approve a conditional use request by James and Sharon Jones to allow temporary residential use at 1401 Park Street, Tax Map #196-4-A-1, in an M-1 Manufacturing District, with the following conditions:

1. All applicable minimum housing standards of the City of Bedford shall be met;
2. The residential use shall be completely limited to tax parcel 196-4-A-1 and shall not hinder industrial or manufacturing activity in the remaining areas of the M-1 District;
3. A minimum two hour fire separation from the other nonresidential uses within the structure shall be installed and maintained;
4. A complete and separate bathroom facility for the residential portion of the structure shall be provided and maintained;

5. A distinct outside entrance to the residential portion of the structure shall be maintained;
6. The portion of the structure that is involved in residential use shall be less than 1,400 square feet and occupy less than 50% of the structure;
7. The residential portion of the structure shall be occupied only by a person or persons affiliated with the otherwise conforming manufacturing/industrial use;
8. For purposes of utility rates, the property shall be considered industrial in character and shall be billed accordingly at applicable nonresidential rates; and
9. The residential use of the property shall be vacated within three years from the date that a conditional use permit is issued, with eligibility for one three year renewal granted by the zoning administrator.

The City Manager stated that on April 2, 1987, the City of Bedford issued \$3,400,000 of General Obligation School Bonds and on July 7, 1993, the City issued \$1,750,000 of General Obligation Public Improvement Bonds. The City can effect considerable savings by issuing general obligation public improvement refunding bonds to refund all or a portion of the outstanding 1987 bonds and the 1993 bonds. The City's financial advisor, Davenport & Company, LLC, has recommended the City issue and sell a single issue of general obligation public improvements refunding bonds in the maximum principal amount not to exceed \$1,500,000.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried unanimously by a roll call vote, Council adopted a resolution providing for the issuance, sale and award of the general obligation public improvement refunding bonds in a principal amount not to exceed \$1,500,000. Roll call vote follows:

Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Mayor Shelton	aye

The resolution as adopted follows this set of minutes.

The City Manager stated that on February 26, 2002, City Council approved the issuance of a conditional zoning permit for Oscar Padgett to construct and operate a group home on Ole Turnpike Road. As a condition of this approval, Council instructed that an agreement be developed which stated that the location of a group home in the City would not place the financial obligation upon the City to pay all costs for such children under the contracts with Bedford County for School and welfare services.

City Manager Meadows stated that Council had received copies of a proposed agreement which provides that the Social Services Department will report the residency of students who are in groups homes based on the jurisdiction of their home and that the School Board will make its reports to the state and local jurisdictions accordingly. It also sets up a procedure for the City to verify that the procedures are being followed. The Board of Supervisors at its last meeting formally approved the proposed agreement, which carries out the agreements reached between the parties.

On motion by Councilman Padgett, seconded by Councilman Tharp, voted upon and carried unanimously, Council adopted the Memorandum of Agreement between the City, Bedford County, and the Bedford County School Board setting forth a method of determining the residency of students located in group homes under the supervision of the Department of Social Services for purposes of interpreting the school contract and the welfare services contract.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried unanimously, Council waived the reading of the proposed ordinance establishing the real estate tax rate for Fiscal Year 2002-2003, as the ordinance had been properly posted in accordance with Section 2-30 of the City Code.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance establishing the real estate tax rate for Fiscal Year 2002-2003. Roll call vote follows:

Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Mayor Shelton	aye

The ordinance follows as adopted:

ORDINANCE

BE IT ORDAINED by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied for the Fiscal Year 2002-2003, a tax rate of \$0.80 per one hundred dollars of assessed valuation on all taxable real estate located in the City, the respective levy hereby ordered being also applicable to the real estate and tangible personal property of public service corporations within the limitations specified by Section 58.1-2606 of the Code of Virginia of 1950, as amended, based upon the assessment thereof fixed by the State Corporation Commission and duly certified.

The City Manager stated that Council had been given copies of a revised proposed ordinance reflecting a personal property tax rate of \$1.80 per one hundred dollars of assessed value on all taxable tangible personal property, with the exception of household goods and personal effects. Mr. Meadows indicated that after discussions in the last work session on the budget held earlier in the evening, Council agreed to amend the ordinance to reflect a rate of \$1.80 per one hundred dollars of assessed value, which is the current tax rate.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried unanimously, Council waived the reading of the posted ordinance establishing the personal property tax rate for calendar year 2002 as it had been properly posted in accordance with Section 2-30 of the City Code.

Councilman Padgett moved that the posted ordinance be adopted. The motion was seconded by Vice Mayor Messier.

Councilman Brookshier moved that the ordinance be amended to set the personal property tax rate at \$1.80 per one hundred dollars of assessed value. The motion was seconded by Vice Mayor Messier, voted upon and carried unanimously.

Council then voted on the amended ordinance, which carried unanimously by the following roll call vote:

Vice Mayor Messier	aye
Councilman Padgett	aye

Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Mayor Shelton	aye

The amended ordinance follows as adopted:

ORDINANCE

BE IT ORDAINED by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied, for the calendar year 2002, a tax rate of \$1.80 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, including property separately classified in Section 58.1-3503 of the Code of Virginia of 1950, as amended, unless exempted from taxation or subject to a different rate under this ordinance. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of Section 58.1-3503 is taxed at a levy of \$1.50 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. Household goods and personal effects as classified in Section 58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco as such items are classified in Section 58.1-3505 are exempted in whole from tangible personal property taxation. The following items are taxed at a rate of \$1.30 per one hundred dollars of one hundred per centum (100%) of the assessed valuation: (a) cattle, sheep and goats, and farm machinery and farm implements as separately classified in Section 58.1-3505; and (b) machinery and tools as separately classified in Section 58.1-3507; and (c) motor carriers as separately classified in Section 58.1.3506.

The City Manager reported that the proposed ordinance establishing the cigarette tax rate was posted reflecting a 30 cents per pack cigarette tax. Through discussions at the work session earlier in the evening, it was recommended that the ordinance be amended to reflect a 20 cents per pack cigarette tax.

On motion by Councilman Brookshier, seconded by Councilman Tharp, voted upon and carried unanimously, Council waived the reading of the posted ordinance establishing a cigarette tax rate as it had been properly posted in accordance with Section 2-30 of the City Code.

Vice Mayor Messier moved that the posted ordinance be adopted. Councilman Wandrei seconded the motion.

Councilman Tharp moved that the ordinance be amended to set the cigarette tax rate at 20 cents per pack. The motion was seconded by Vice Mayor Messier, voted upon and carried unanimously.

Council then voted on the amended ordinance, which carried unanimously by the following roll call vote:

Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Mayor Shelton	aye

The amended ordinance follows as adopted:

**AN ORDINANCE TO INCREASE THE RATE
OF TAX UPON CIGARETTES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA:**

Section 22-74 of the City Code is amended and reenacted as follows:

Section 22-74. Tax levied.

There is levied a tax at the rate of one cent (\$0.010) per cigarette on each cigarette with a minimum of twenty cents (\$0.20) per package upon or before that cigarette is sold at retail in the city. The seller, dealer, or other agent involved in the sale of the cigarette shall pay this tax to the city by purchasing and affixing a stamp or stamps in appropriate denominations to each package of cigarettes sold at retail in the city, prior to its sale, or by paying the tax directly to the city in cases where unpackaged cigarettes may be sold.

Section 2. The Clerk is directed pursuant to the provisions of Section 10 of the City Charter to publish the Ordinance one time in a newspaper published in the City or to post the Ordinance in three or more public places in the City for one week, and the Ordinance shall take effect on July 1, 2002, after seven (7) days have elapsed following the publication in the newspaper or when seven (7) days have elapsed following completion of posting.

On motion by Councilman Padgett, seconded by Councilman Tharp, voted upon and carried unanimously by a roll call vote, Council adopted the budget for Fiscal Year 2002-2003. Roll call vote follows:

Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye

Vice Mayor Messier	aye
Councilman Padgett	aye
Mayor Shelton	aye

On motion by Councilman Brookshier, seconded by Councilwoman Flood, voted upon and carried unanimously, Council waived the reading of the proposed ordinance appropriating funds for the Fiscal Year 2002-2003 budget as it had been properly posted in accordance with Section 2-30 of the City Code.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance appropriating funds for the Fiscal Year 2002-2003 budget. Roll call vote follows:

Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Mayor Shelton	aye

The ordinance follows as adopted:

ORDINANCE

BE IT ORDAINED that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2002-2003 for the City of Bedford are appropriated and set aside to the General Fund, to the Solid Waste Fund, to the Water and Sewer Fund, to the Electric Fund, to the Capital Projects Fund, and to the E911 Fund as shown in said budget, and that the City Manager is authorized to expend the funds in the General Fund, Solid Waste Fund, Water and Sewer Fund, Electric Fund, Capital Projects Fund, and E911 Fund in accordance with said budget and in accordance with prior appropriations.

City Manager Meadows reported the State Code requires that the Circuit Court must appoint a Board of Equalization for real estate assessment of not less than three nor more than five members for a term of one year after the effective date of the assessment. Under the provision of Section 58.1-3374, the members of the Board must attend and participate in a basic course of instruction given by the State Department of Taxation in order to qualify. The City Manager reviewed a list of four persons to be considered for recommendation to the Circuit Court by the City Attorney for appointment to the Board of Equalization:

Ronnie C. Rice, 1802 North Hills Drive

H. Davis Ballard, 995 Ashland Avenue

David Thomas, 1615 Shady Knoll Avenue

J. M. Davidson, Jr., 1515 Woodland Road

Mayor Shelton adjourned the meeting at 8:00 p.m. until Tuesday, June 25, 2002, at 6:00 p.m. to hold interviews for the City School Board.